

SENATE BILL NO. 185

INTRODUCED BY J. COBB

3

4 A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING THE LAWS GOVERNING ELECTIONS
5 AND CAMPAIGN FINANCE; REVISING THE DUTIES OF THE COMMISSIONER OF POLITICAL PRACTICES;
6 REMOVING REFERENCES TO THE COMMISSIONER OF POLITICAL PRACTICES' AUTHORITY TO
7 REGULATE CONTESTS FOR NOMINATION TO PUBLIC OFFICE; REMOVING REFERENCES TO PRIMARY
8 POLITICAL COMMITTEES; CLARIFYING REPORTING REQUIREMENTS FOR BALLOT ISSUES; ~~CLARIFYING~~
9 ~~THE RESTRICTIONS ON EMPLOYERS;~~ REMOVING CRIMINAL PENALTIES FOR UNLAWFUL
10 CONTRIBUTIONS; CLARIFYING THAT ISSUANCE OF AN ORDER OF NONCOMPLIANCE IS NOT A
11 PREREQUISITE FOR OTHER ACTION; CONFORMING CONTRIBUTION REPORTING REQUIREMENTS TO
12 CURRENT LIMITS; REVISING DISTANCE RESTRICTIONS ON EXIT POLLING; ELIMINATING THE POLITICAL
13 CRIMINAL LIBEL LAW; AMENDING SECTIONS 13-1-101, 13-35-211, 13-35-226, 13-37-111, 13-37-112,
14 13-37-113, 13-37-114, 13-37-117, 13-37-118, 13-37-121, 13-37-124, 13-37-125, 13-37-126,
15 13-37-127, 13-37-128, 13-37-226, AND 13-37-228, MCA; AND REPEALING SECTION 13-35-234,
16 MCA."

17

18 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

19

20 **Section 1.** Section 13-1-101, MCA, is amended to read:

21 **"13-1-101. Definitions.** As used in this title, unless the context clearly indicates otherwise, the
22 following definitions apply:

23 (1) "Active elector" means a qualified elector whose name is on the active list.

24 (2) "Active list" means a list of active electors maintained by an election administrator pursuant
25 to 13-2-219.

26 (3) "Anything of value" means any goods that have a certain utility to the recipient that is real and
27 that is ordinarily not given away free but is purchased.

28 (4) "Application for voter registration" means a completed voter registration card submitted to the
29 election administrator and subject to confirmation, as provided in 13-2-207.

30 (5) "Candidate" means:

1 (a) an individual who has filed a declaration or petition for nomination, acceptance of nomination,
2 or appointment as a candidate for public office as required by law;

3 (b) for the purposes of chapter 35, 36, or 37, an individual who has solicited or received and
4 retained contributions, made expenditures, or given consent to an individual, organization, political party,
5 or committee to solicit or receive and retain contributions or make expenditures on the individual's behalf
6 to secure nomination or election to any office at any time, whether or not the office for which the
7 individual will seek nomination or election is known when the:

8 (i) solicitation is made;

9 (ii) contribution is received and retained; or

10 (iii) expenditure is made; and

11 (c) an officeholder who is the subject of a recall election.

12 (6) (a) "Contribution" means:

13 (i) an advance, gift, loan, conveyance, deposit, payment, or distribution of money or anything of
14 value to influence an election;

15 (ii) a transfer of funds between political committees;

16 (iii) the payment by a person other than a candidate or political committee of compensation for the
17 personal services of another person that are rendered to a candidate or political committee.

18 (b) "Contribution" does not mean:

19 (i) services provided without compensation by individuals volunteering a portion or all of their time
20 on behalf of a candidate or political committee or meals and lodging provided by individuals in their private
21 residence for a candidate or other individual;

22 (ii) the cost of any bona fide news story, commentary, or editorial distributed through the facilities
23 of any broadcasting station, newspaper, magazine, or other periodical publication of general circulation;

24 (iii) the cost of any communication by any membership organization or corporation to its members
25 or stockholders or employees, ~~as long as the organization is not a primary political committee~~; or

26 (iv) filing fees paid by the candidate.

27 (7) "Election" means a general, regular, special, or primary election held pursuant to the
28 requirements of state law, regardless of the time or purpose.

29 (8) "Election administrator" means the county clerk and recorder or the individual designated by
30 a county governing body to be responsible for all election administration duties, except that with regard

1 to school elections, the term means the school district clerk.

2 (9) "Elector" means an individual qualified and registered to vote under state law.

3 (10) (a) "Expenditure" means a purchase, payment, distribution, loan, advance, promise, pledge,
4 or gift of money or anything of value made for the purpose of influencing the results of an election.

5 (b) "Expenditure" does not mean:

6 (i) services, food, or lodging provided in a manner that they are not contributions under subsection
7 (6);

8 (ii) payments by a candidate for a filing fee or for personal travel expenses, food, clothing, lodging,
9 or personal necessities for the candidate and the candidate's family;

10 (iii) the cost of any bona fide news story, commentary, or editorial distributed through the facilities
11 of any broadcasting station, newspaper, magazine, or other periodical publication of general circulation;
12 or

13 (iv) the cost of any communication by any membership organization or corporation to its members
14 or stockholders or employees, ~~as long as the organization is not a primary political committee.~~

15 (11) "Federal election" means a general or primary election in which an elector may vote for
16 individuals for the office of president of the United States or for the United States congress.

17 (12) "General election" or "regular election" means an election held for the election of public
18 officers throughout the state at times specified by law, including elections for officers of political
19 subdivisions when the time of the election is set on the same date for all similar political subdivisions in
20 the state. For ballot issues required by Article III, section 6, or Article XIV, section 8, of the Montana
21 constitution to be submitted by the legislature to the electors at a general election, "general election"
22 means an election held at the time provided in 13-1-104(1). For ballot issues required by Article XIV,
23 section 9, of the Montana constitution to be submitted as a constitutional initiative at a regular election,
24 regular election means an election held at the time provided in 13-1-104(1).

25 (13) "Inactive elector" means an individual whose name is placed on an inactive list.

26 (14) "Inactive list" means a list of inactive electors maintained by an election administrator
27 pursuant to 13-2-219.

28 (15) "Individual" means a human being.

29 (16) "Issue" or "ballot issue" means a proposal submitted to the people at an election for their
30 approval or rejection, including but not limited to initiatives, referenda, proposed constitutional

1 amendments, recall questions, school levy questions, bond issue questions, or a ballot question. For the
2 purposes of chapters 35, ~~36, or~~ and 37, an issue becomes a "ballot issue" upon certification by the proper
3 official that the legal procedure necessary for its qualification and placement upon the ballot has been
4 completed, except that a statewide issue becomes ~~an~~ a "ballot issue" upon approval by the secretary of
5 state of the form of the petition or referral.

6 (17) "Person" means an individual, corporation, association, firm, partnership, cooperative,
7 committee, club, union, or other organization or group of individuals or a candidate as defined in subsection
8 (5).

9 (18) "Political committee" means a combination of two or more individuals or a person other than
10 an individual who makes a contribution or expenditure:

11 (a) to support or oppose a candidate or a committee organized to support or oppose a candidate
12 or a petition for nomination; or

13 (b) to support or oppose a ballot issue or a committee organized to support or oppose a ballot
14 issue; or

15 (c) as an earmarked contribution.

16 (19) "Political subdivision" means a county, consolidated municipal-county government,
17 municipality, special district, or any other unit of government, except school districts, having authority to
18 hold an election for officers or on a ballot issue.

19 (20) "Primary" or "primary election" means an election held throughout the state to nominate
20 candidates for public office at times specified by law, including nominations of candidates for offices of
21 political subdivisions when the time for nominations is set on the same date for all similar subdivisions in
22 the state.

23 (21) "Public office" means a state, county, municipal, school, or other district office that is filled
24 by the people at an election.

25 (22) "Registrar" means the county election administrator and any regularly appointed deputy or
26 assistant election administrator.

27 (23) "Special election" means an election other than a statutorily scheduled primary or general
28 election held at any time for any purpose provided by law. It may be held in conjunction with a statutorily
29 scheduled election.

30 (24) "Voting machine or device" means any equipment used to record, tabulate, or in any manner

1 process the vote of an elector."

2

3 **Section 2.** Section 13-35-211, MCA, is amended to read:

4 **"13-35-211. Electioneering -- soliciting information from electors.** (1) ~~No~~ A person may not do any
5 electioneering on election day within any polling place or any building in which an election is being held
6 or within ~~200~~ 100 feet ~~thereof of the entrances~~ ANY ENTRANCE to the polling place or building IN WHICH THE
7 POLLING PLACE IS LOCATED, which aids or promotes the success or defeat of any candidate or ballot issue to
8 be voted upon at the election.

9 (2) ~~No~~ A person may not buy, sell, give, wear, or display at or about the polls on an election day
10 any badge, button, or other insignia which is designed or tends to aid or promote the success or defeat
11 of any candidate or ballot issue to be voted upon at the election.

12 (3) ~~No~~ A person within a polling place or any building in which an election is being held may not
13 solicit from an elector, before or after ~~he~~ the elector has marked ~~his~~ a ballot and returned it to an election
14 judge, information as to whether the elector intends to vote or has voted for or against a candidate or
15 ballot issue."

16

17 **Section 3.** Section 13-35-226, MCA, is amended to read:

18 **"13-35-226. Unlawful acts of employers and employees -- definitions.** (1) It is unlawful for any
19 employer, in paying employees the salary or wages due them, to include with their pay the name of any
20 candidate or any political mottoes, devices, or arguments containing threats or promises, express or
21 implied, calculated or intended to influence the political opinions or actions of the employees.

22 (2) It is unlawful for an employer to exhibit in a place where the employer's workers or employees
23 may be working any handbill or placard containing:

24 (a) any threat, promise, notice, or information that, in case any particular ticket or political party,
25 organization, or candidate is elected;

26 (i) work in the employer's place or establishment will cease, in whole or in part, or will be
27 continued or increased;

28 (ii) the employer's place or establishment will be closed; or

29 (iii) the salaries or wages of the workers or employees will be reduced or increased; or

30 (b) other threats or promises, express or implied, intended or calculated to influence the political

1 opinions or actions of the employer's workers or employees.

2 ~~(3) This section applies to corporations, individuals, and public officers and employees.~~

3 ~~(2)(4)(3)~~ A person may not attempt to coerce, command, or require a public employee to support
4 or oppose any political committee, the nomination or election of any person to public office, or the passage
5 of a ballot issue. ~~An attempt to violate this subsection, though unsuccessful, is also a violation.~~

6 ~~(3)(5)(4)~~ A ~~public officer or~~ public employee may not solicit support for or opposition to any
7 political committee, the nomination or election of any person to public office, or the passage of a ballot
8 issue while on the job or at the place of employment. However, subject to 2-2-121, this section is does
9 not ~~intended to~~ restrict the right of a public employee to express personal political views.

10 ~~(4)(6)(5)~~ Any A person who violates the provisions of this section shall be fined an amount not
11 to exceed \$1,000, be imprisoned in the county jail for a term not to exceed 6 months, or both, for each
12 separate offense is liable in a civil action authorized by 13-27-128, brought by the commissioner or a
13 county attorney pursuant to 13-37-124 and 13-37-125.

14 ~~(7) As used in this section, the following definitions apply:~~

15 ~~—— (a) "Local government" has the meaning given in 2-2-144.~~

16 ~~—— (b) "Public employee" means:~~

17 ~~—— (i) any temporary or permanent employee of the state or any political subdivision of the state; or~~

18 ~~—— (ii) any temporary or permanent employee of a local government.~~

19 ~~—— (c) "Public officer" means:~~

20 ~~—— (i) any elected officer or department director of the executive branch of state government as~~
21 ~~defined in 2-15-102;~~

22 ~~—— (ii) any elected officer of any subdivision of the state; or~~

23 ~~—— (iii) any elected officer of a local government."~~

24

25 **Section 4.** Section 13-37-111, MCA, is amended to read:

26 **"13-37-111. Investigative powers and duties.** (1) The commissioner ~~of political practices shall be~~
27 is responsible for investigating all of the alleged violations of the election laws contained in ~~chapters~~
28 chapter 35, 36, or 37 of this title or this chapter and ~~shall~~ in conjunction with the county attorneys ~~be is~~
29 responsible for enforcing these election laws.

30 (2) The commissioner may investigate all statements filed pursuant to the provisions of ~~chapters~~

1 ~~chapter 35, 36, or 37~~ of this title or this chapter and shall ~~also~~ investigate alleged failures to file any
2 statement or the alleged falsification of any statement filed pursuant to the provisions of ~~chapters~~ chapter
3 ~~35, 36, or 37~~ of this title or this chapter. Upon the submission of a written complaint by any individual,
4 the commissioner shall ~~also~~ investigate any other alleged violation of the provisions of ~~chapters~~ chapter
5 ~~35, 36, or 37~~ of this title, this chapter, or any rule adopted pursuant ~~thereto~~ chapter 35 of this title or this
6 chapter.

7 (3) The commissioner may inspect any records, accounts, or books that must be kept pursuant
8 to the provisions of ~~chapters~~ chapter 35, ~~36, or 37~~ of this title or this chapter which are held by any
9 political committee or candidate, ~~so as~~ long as ~~such~~ the inspection is made during reasonable office hours.

10 (4) The commissioner may administer oaths and affirmations, subpoena witnesses, compel their
11 attendance, take evidence, and require the production of any books, papers, correspondence, memoranda,
12 bank account statements of a political committee or candidate, or other records which are relevant or
13 material for the purpose of conducting any investigation pursuant to the provisions of ~~chapters~~ chapter
14 ~~35, 36, or 37~~ of this title or this chapter."

15

16 **Section 5.** Section 13-37-112, MCA, is amended to read:

17 **"13-37-112. Personnel and budget.** (1) The commissioner shall select an appropriate staff to
18 enforce the provisions of ~~chapters~~ chapter 35, ~~36, or 37~~ of this title and this chapter, and ~~he~~ may hire and
19 fire all personnel under ~~his~~ the commissioner's supervision.

20 (2) The commissioner ~~shall be~~ is responsible for preparing, administering, and allocating the budget
21 for ~~his~~ the office."

22

23 **Section 6.** Section 13-37-113, MCA, is amended to read:

24 **"13-37-113. Hiring of attorneys -- prosecutions.** The commissioner may hire or retain attorneys
25 who are properly licensed to practice before the supreme court of the state of Montana to prosecute
26 violations of ~~chapters~~ chapter 35, ~~36, or 37~~ 35 of this title or this chapter. Any ~~properly licensed~~
27 attorney ~~so~~ retained or hired shall exercise the powers of a special attorney general, and ~~he~~ the attorney
28 may prosecute, subject to the control and supervision of the commissioner and the provisions of
29 13-37-124 and 13-37-125, any criminal or civil action arising out of a violation of any provision of
30 ~~chapters~~ chapter 35, ~~36, or 37~~ of this title or this chapter. All prosecutions ~~shall~~ must be brought in the

state district court for the county in which a violation has occurred or in the district court for Lewis and Clark County. The authority to prosecute as prescribed by this section includes the authority to:

(1) institute proceedings for the arrest of persons charged with or reasonably suspected of criminal violations of ~~chapters chapter 35, 36, or 37~~ of this title or this chapter;

(2) attend and give advice to a grand jury when cases involving criminal violations of ~~chapters chapter 35, 36, or 37~~ of this title or this chapter are presented;

(3) draw and file indictments, informations, and criminal complaints;

(4) prosecute all actions for the recovery of debts, fines, penalties, or forfeitures accruing to the state or county from persons convicted of violating ~~chapters chapter 35, 36, or 37~~ of this title or this chapter; and

(5) do any other act necessary to successfully prosecute a violation of any provision of ~~chapters chapter 35, 36, or 37~~ of this title or this chapter."

Section 7. Section 13-37-114, MCA, is amended to read:

"13-37-114. Rules. The commissioner shall ~~promulgate and publish~~ adopt rules to carry out the provisions of ~~chapters chapter 35, 36, or 37~~ of this title and this chapter ~~and shall promulgate such rules~~ in conformance with the Montana Administrative Procedure Act."

Section 8. Section 13-37-117, MCA, is amended to read:

"13-37-117. Commissioner to provide forms, manuals, and election laws. (1) The commissioner shall prescribe forms for reports and other information required to be filed pursuant to chapter 35, ~~36, or 37~~ of this title and this chapter and furnish forms and appropriate information to persons required to file reports and other information.

(2) The commissioner shall prepare and publish a manual prescribing a uniform system for accounts for use by persons required to file reports pursuant to chapter 35, ~~36, or 37~~ of this title or this chapter.

(3) The commissioner shall, at the expense of the state, furnish copies of the election laws relating to penalties, campaign practices, campaign finances, and contested elections to candidates and to any other persons required to file reports or other information pursuant to chapter 35, ~~36, or 37~~ of this title or this chapter."

1

2 **Section 9.** Section 13-37-118, MCA, is amended to read:

3 **"13-37-118. Information voluntarily supplied.** The commissioner shall accept and file any
4 information voluntarily supplied that exceeds the requirements of ~~chapters~~ chapter 35, ~~36, or 37~~ of this
5 title or this chapter."

6

7 **Section 10.** Section 13-37-121, MCA, is amended to read:

8 **"13-37-121. Inspection of statements and reports -- issuance of orders of noncompliance.** (1)

9 Each statement and report filed with the commissioner during an election or within 60 days after the
10 election must be inspected within ~~40~~ 20 days after the statement or report is filed. Intermediate
11 Saturdays, Sundays, and holidays must be excluded in the computation of time under this section. If a
12 person has not satisfied the provisions of this chapter, the commissioner shall immediately notify the
13 person of the noncompliance. Notification by the commissioner may be accomplished by written or
14 electronic communication or by telephone. If the person fails to comply after the notification, the
15 commissioner shall issue an order of noncompliance as provided in this section.

16 (2) An order of noncompliance may be issued when:

17 (a) upon examination of the official ballot, it appears that the person has failed to file a statement
18 or report as required by this chapter or that a statement or report filed by a person does not conform to
19 law; or

20 (b) it is determined that a statement or report filed with the commissioner does not conform to
21 the requirements of this chapter or that a person has failed to file a statement or report required by law.

22 (3) If an order of noncompliance is issued during a campaign period or within 60 days after an
23 election, a candidate or political committee shall submit the necessary information within 5 days after
24 receiving the order of noncompliance. Upon a failure to submit the required information within the time
25 specified, the appropriate county attorney or the commissioner may initiate a civil or criminal action
26 pursuant to the procedures outlined in 13-37-124 and 13-37-125.

27 (4) If an order of noncompliance is issued during any period other than that described in subsection
28 (3), a candidate or political committee shall submit the necessary information within 10 days after
29 receiving the order of noncompliance. Upon a failure to submit the required information within the time
30 specified, the appropriate county attorney or the commissioner shall initiate a civil or criminal action

1 pursuant to the procedures outlined in 13-37-124 and 13-37-125.

2 (5) The AFTER A COMPLAINT IS FILED WITH THE COMMISSIONER PURSUANT TO 13-37-111, THE procedure
3 described in this section regarding the provision of notice and issuance of orders of noncompliance is not
4 a prerequisite to initiation of any other administrative or judicial action authorized under chapter 35 of this
5 title or this chapter."

6

7 **Section 11.** Section 13-37-124, MCA, is amended to read:

8 **"13-37-124. Consultation and cooperation with county attorney.** (1) Whenever the commissioner
9 determines that there appears to be sufficient evidence to justify a civil or criminal prosecution under
10 ~~chapters chapter~~ 35, ~~36, or 37~~ of this title or this chapter, ~~he the commissioner~~ shall notify the county
11 attorney of the county in which the alleged violation occurred and shall arrange to transmit to the county
12 attorney all information relevant to the alleged violation. If the county attorney fails to initiate the
13 appropriate civil or criminal action within 30 days after ~~he receives~~ receiving notification of the alleged
14 violation, the commissioner may then initiate the appropriate legal action.

15 (2) A county attorney may, at any time prior to the expiration of the 30-day time period specified
16 in subsection (1), waive ~~his the~~ right to prosecute, ~~and thereby authorize~~ the waiver authorizes the
17 commissioner to initiate the appropriate civil or criminal action.

18 (3) The provisions of subsection (1) do not apply to a situation in which the alleged violation has
19 been committed by the county attorney of a county. In this instance, the commissioner is authorized to
20 directly prosecute any alleged violation of ~~chapters chapter~~ 35, ~~36, or 37~~ of this title or this chapter.

21 (4) If a prosecution is undertaken by the commissioner, all court costs associated with the
22 prosecution ~~shall~~ must be paid by the state of Montana, and all fines and forfeitures imposed pursuant to
23 a prosecution by the commissioner, except those paid to or imposed by a justice's court, ~~shall~~ must be
24 deposited in the state general fund."

25

26 **Section 12.** Section 13-37-125, MCA, is amended to read:

27 **"13-37-125. Powers of county attorney to investigate.** (1) Nothing in ~~chapters chapter~~ 35, ~~36,~~
28 ~~or 37~~ of this title or this chapter prevents a county attorney from inspecting any records, accounts, or
29 books which must be kept pursuant to the provisions of ~~chapters chapter~~ 35, ~~36, or 37~~ of this title or this
30 chapter that are held by a political committee or candidate involved in an election to be held within the

1 county. However, the inspections must be conducted during reasonable office hours.

2 (2) A county attorney may:

3 (a) administer oaths and affirmations;

4 (b) subpoena witnesses and compel their attendance;

5 (c) take evidence; and

6 (d) require the production of any books, correspondence, memoranda, bank account statements
7 of a political committee or candidate, or other records which are relevant or material for the purpose of
8 conducting any investigation pursuant to the provisions of ~~chapters~~ chapter 35, ~~36, or 37~~ of this title or
9 this chapter."

10
11 **Section 13.** Section 13-37-126, MCA, is amended to read:

12 **"13-37-126. Names not to be printed on ballot.** (1) The name of a candidate may not be printed
13 on the official ballot for an election if the candidate or a ~~political~~ treasurer for a candidate fails to file any
14 statement or report as required by this chapter.

15 (2) A vacancy on an official ballot under this section may be filled in the manner provided by law,
16 but not by the name of the same candidate.

17 (3) In carrying out the mandate of this section, the commissioner shall, by a written statement,
18 notify the secretary of state or the election administrator that a candidate or a candidate's treasurer has
19 not complied with the provisions of this chapter, as described in subsection (1), and that a candidate's
20 name should not be printed on the official ballot. The commissioner shall provide this notification by the
21 ballot certification deadline provided in 13-10-208 for primary elections and by no later than 7 days before
22 the ballot certification deadline provided in 13-12-201 for general elections."

23
24 **Section 14.** Section 13-37-127, MCA, is amended to read:

25 **"13-37-127. Withholding of certificates of nomination or election.** (1) A certificate of election ~~shall~~
26 may not be granted to any candidate until ~~he the candidate or his political~~ the candidate's treasurer has
27 filed the reports and statements that must be filed pursuant to the provisions of this chapter. ~~No A~~
28 candidate for an elective office may not assume the powers and duties of that office until ~~he the candidate~~
29 has received a certificate of election as provided by law. A certificate of election ~~shall~~ may only be issued
30 by the public official responsible for issuing a certificate or commission of election.

(2) In carrying out the mandate of this section, the commissioner must, by written statement, notify the public official responsible for issuing a certificate of nomination or election that a candidate or ~~his~~ the candidate's treasurer has complied with the provisions of this chapter as described in subsection (1) and that a certificate of nomination or election may be issued."

Section 15. Section 13-37-128, MCA, is amended to read:

"13-37-128. Cause of action created. (1) A person who intentionally or negligently violates any of the reporting provisions of this chapter is liable in a civil action brought by the commissioner or a county attorney pursuant to the provisions outlined in 13-37-124 and 13-37-125 for an amount up to \$500 or three times the amount of the unlawful contributions or expenditures, whichever is greater.

(2) A person who makes or receives a contribution or expenditure in violation of 13-35-225, 13-35-227, 13-35-228, or this chapter or who violates 13-35-226 is liable in a civil action brought by the commissioner or a county attorney pursuant to the provisions outlined in 13-37-124 and 13-37-125 for an amount up to \$500 or three times the amount of the unlawful contribution or expenditure, whichever is greater."

Section 16. Section 13-37-226, MCA, is amended to read:

"13-37-226. Time for filing reports. (1) Candidates for a state office filled by a statewide vote of all the electors of Montana and political committees that are organized to support or oppose a particular statewide candidate shall file reports:

(a) quarterly, due on the fifth day following a calendar quarter, beginning with the calendar quarter in which funds are received or expended during the year or years prior to the election year that the candidate expects to be on the ballot;

(b) on the 10th day of March and September in each year that an election is to be held and on the 15th and 5th days preceding the date on which an election is held and within 24 hours after receiving a contribution of ~~\$500~~ \$200 or more if received between the 10th day before the election and the day of the election;

(c) not more than 20 days after the date of the election; and

(d) on the 10th day of March and September of each year following an election until the candidate or political committee files a closing report as specified in 13-37-228(3).

(2) Political committees organized to support or oppose a particular statewide ballot issue shall file reports:

(a) quarterly, due on the fifth day following a calendar quarter, beginning with the calendar quarter in which ~~funds are received or expended~~ the text of the proposed measure is submitted for review and approval pursuant to 13-27-202 during the year or years prior to the election year that an issue ~~subject to a referendum~~ is or is expected to be on the ballot;

(b) on the 10th day of March and on the 10th day of each subsequent month through September;

(c) on the 15th and 5th days preceding the date on which an election is held;

(d) within 24 hours after receiving a contribution of \$500 or more if received between the 10th day before the election and the day of the election;

(e) within 20 days after the election; and

(f) on the 10th day of March and September of each year following an election until the political committee files a closing report as specified in 13-37-228(3).

(3) Candidates for a state district office, including but not limited to candidates for the legislature, the public service commission, or a district court judge, and political committees that are specifically organized to support or oppose a particular state district candidate or issue shall file reports:

(a) on the 12th day preceding the date on which an election is held and within 48 hours after receiving a contribution of \$100 or more if received between the 17th day before the election and the day of the election. The report under this subsection (3)(a) may be made by mail or by electronic communication to the clerk and recorder and the commissioner of political practices.

(b) not more than 20 days after the date of the election; and

(c) whenever a candidate or political committee files a closing report as specified in 13-37-228(3).

(4) Candidates for any other public office and political committees that are specifically organized to support or oppose a particular local issue shall file the reports specified in subsection (3) only if the total amount of contributions received or the total amount of funds expended for all elections in a campaign, excluding the filing fee paid by the candidate, exceeds \$500, except as provided in 13-37-206.

(5) For the purposes of this subsection, a committee that is not specifically organized to support or oppose a particular candidate or ballot issue and that receives contributions and makes expenditures in conjunction with an election is an independent committee. For the purpose of reporting, a political party committee is an independent committee. An independent committee shall file:

(a) a report on the 12th day preceding the date of an election in which it participates by making an expenditure;

(b) a report not more than 20 days after the date of the election in which it participates by making an expenditure; and

(c) a report on a date to be prescribed by the commissioner for a closing report at the close of each calendar year.

(6) The commissioner may promulgate rules regarding the extent to which organizations that are ~~not primary political committees but are~~ incidental political committees shall report their politically related activities in accordance with this chapter.

(7) All reports required by this section must be complete as of the fifth day before the date of filing as specified in 13-37-228(2) and this section."

Section 17. Section 13-37-228, MCA, is amended to read:

"13-37-228. Time periods covered by reports. Reports filed under 13-37-225 and 13-37-226 ~~shall~~ must be filed to cover the following time periods even though no contributions or expenditures may have been received or made during the period:

(1) The initial report ~~shall~~ must cover all contributions received or expenditures made by a candidate or political committee prior to the time that a person became a candidate or a political committee as defined in 13-1-101 until the fifth day before the date of filing of the appropriate initial report pursuant to subsections (1) through (5) of 13-37-226. Reports filed by political committees organized to support or oppose a statewide ballot issue must disclose all contributions received and expenditures made prior to the time an issue becomes a ballot issue by approval of the form of the petition or referral by the secretary of state, even if the issue subsequently fails to garner sufficient signatures to qualify for the ballot.

(2) Subsequent periodic reports ~~shall~~ must cover the period of time from the closing of the previous report to 5 days before the date of filing of a report pursuant to 13-37-226(1) through (5).

(3) Closing reports ~~shall~~ must cover the period of time from the last periodic report to the final closing of the books of the candidate or political committee. A candidate or political committee shall file a closing report following an election in which ~~he or it~~ the candidate or political committee participates whenever all debts and obligations are extinguished and no further contributions or expenditures will be

1 received or made which relate to the campaign, unless the election is a primary election and the candidate
2 or political committee will participate in the general election."

3

4 NEW SECTION. **Section 18. Repealer.** Section 13-35-234, MCA, is repealed.

5 - END -